

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,) CASE NO. CR09-362-RSM
)
Plaintiff,)
)
v.) DETENTION ORDER
)
JORGE AVILA-OCHOA,)
)
Defendant.)
_____)

Offense charged: Conspiracy to Distribute Controlled Substances

Date of Detention Hearing: October 21, 2009.

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which defendant can meet will reasonably assure the appearance of defendant as required and the safety of other persons and the community.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

1. The indictment charges a drug offense for which the maximum penalty is in excess of ten years. There is therefore a rebuttable presumption that defendant will be

01 detained. Defendant has presented nothing to rebut that presumption.

02 2. The Government alleges that defendant is in the United States illegally, and that
03 an immigration detainer will be lodged against him in the near future. This appears to render
04 moot the issue of release or detention in this case.

05 3. Defendant and his counsel offered nothing in opposition to the entry of an order
06 of detention, and waived any further hearing on that issue.

07 4. There does not appear to be any condition or combination of conditions that will
08 reasonably assure the defendant's appearance at future Court hearings while addressing the
09 danger to other persons or the community.

10 It is therefore ORDERED:

- 11 1. Defendant shall be detained pending trial and committed to the custody of the Attorney
12 General for confinement in a correction facility separate, to the extent practicable, from
13 persons awaiting or serving sentences or being held in custody pending appeal;
- 14 2. Defendant shall be afforded reasonable opportunity for private consultation with
15 counsel;
- 16 3. On order of the United States or on request of an attorney for the Government, the
17 person in charge of the corrections facility in which defendant is confined shall deliver
18 the defendant to a United States Marshal for the purpose of an appearance in connection
19 with a court proceeding; and
- 20 4. The Clerk shall direct copies of this Order to counsel for the United States, to counsel
21 for the defendant, to the United States Marshal, and to the United State Pretrial Services
22 Officer.

01 DATED this 22nd day of October, 2009.

02 s/ John L. Weinberg
03 United States Magistrate Judge
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